

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In Re: Robert Dollinger,

Debtor.

Hearing Date: July 19, 2018
Hearing Time: 9:30 a.m.
Hearing Place: Binghamton
Chapter 13

Case No. 15-60014

MOTION FOR AUTHORIZATION OF SALE OF PROPERTY AND APPROVAL OF
PROFESSIONAL FEES.

To: The Honorable Diane Davis, Bankruptcy Judge:

Robert Dollinger by and through his attorneys, Orville & McDonald Law, P.C. respectfully represent:

1. The Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code on January 9, 2015. The Debtor's Chapter 13 plan was confirmed on April 5, 2017.

2. Debtor wishes to sell one of his rental properties. Debtor is the owner of real property located at 51 Broad Street, Johnson City, NY 13790, Village of Johnson City, County of Broome, State of New York. The tax map number is 143.65-1-40. This is not the Debtor's personal residence.

3. Debtor has not had the properties listed but received an offer.

4. Debtor now wishes to dispose of 51 Broad Street, Johnson City, NY 13790 and has negotiated the sale of said property to Donald Webster, 305 Hannah Street, Endicott, NY 13760, for the sum of \$20,000.00, which upon information and belief represents the fair market value of the property. Attached hereto and labeled as Exhibit "A" is the Purchase and Sale Contract. The sale is an arm's-length transaction. Debtor does not need to dispose of said properties as part of his reorganizational plan, but the sale will cut down on his expenses.

5. The "full market value" of 51 Broad Street, Johnson City, NY 13790 is \$34,500.00. See attached appraisal. The property needs a new roof with an estimated cost of \$11,500.00. See attached estimate.

6. The property located at 51 Broad Street, Johnson City, NY is encumbered by a mortgage held by Green Tree of approximately \$18,491.83 and property taxes in the approximate amount of \$2,259.12.

7. Additional closing costs, include a transfer tax \$100.00; total recording fees \$195.00 and legal fees to Fred Xlander in the amount of \$600.00.

8. Debtor represents that the sale of said property described in Exhibit "A" for the price set forth therein is in the best interest of the Debtor.

9. This sale would fund in \$18,817.42 to the Chapter 13 Trustee to be used to pay off the claim # 17 to Rushmore Loan Management Service and any balance to be distributed per the Chapter 13 Plan.

10. The sale is subject to higher or better offers at the hearing scheduled for July 19, 2018.

WHEREFORE, the Debtor requests the Motion for Authorization of Sale of Property be granted and prays for an Order of this Court authorizing the sale of the properties described in Exhibit "A" to the respective buyer and at the respective price set forth therein; and, further, that this Court's Order further state that, upon completion of said sale the first mortgage holder Rushmore Loan Management Service shall be paid the balance of the mortgage of approximately \$18,817.42 through the Chapter 13 and property taxes in the amount of \$2,259.12 should be paid at closing. All closing costs, including transfer tax \$100.00; total recording fees \$195.00 and legal fees to Fred Xlander in the amount of \$600.00.

Dated: 6/28/18

/s/ Peter A. Orville

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